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**[ADDITIONAL PARTIES AND COUNSEL
LISTED ON SIGNATURE PAGE]**

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

IN RE STATIC RANDOM ACCESS
MEMORY (SRAM) ANTITRUST
LITIGATION

Case No. M:07-CV-01819-CW

MDL No. 1819

THIS DOCUMENT RELATES TO:
DIRECT PURCHASER ACTIONS

**STIPULATION AND ORDER
REGARDING DEFENDANTS' LIST OF
CLASS MEMBERS AS MODIFIED**

1 WHEREAS this Court's September 29, 2008 Order Granting Plaintiffs' Motion for Class
2 Certification ("Certification Order") excludes purchases of "custom" SRAM from the definition
3 of the class;

4 WHEREAS the Certification Order directed Direct Purchaser Plaintiffs to submit to
5 Defendants a proposed definition of custom SRAM, and for the parties to meet and confer in an
6 effort to agree on a definition of custom SRAM;

7 WHEREAS the Certification Order requires Direct Purchaser Plaintiffs to file, by
8 October 29, 2008, a "proposed form of notice to be sent to members of the Class";

9 WHEREAS the Certification Order ordered Defendants to submit to the Court and Direct
10 Purchaser Plaintiffs "a list of names and addresses of all Class Members who can be identified
11 with diligent effort" by October 29, 2008;

12 WHEREAS Direct Purchaser Plaintiffs will provide Defendants with their proposed
13 definition of custom SRAM when they file the proposed form of notice with the Court on
14 October 29, 2008;

15 WHEREAS the parties agree that they will meet and confer on the definition of custom
16 SRAM, and that Defendants cannot compile a list of all Class Members until the definition of
17 custom SRAM is settled;

18 NOW THEREFORE, the Direct Purchaser Plaintiffs and Defendants stipulate and agree:

19 1. On October 29, 2008, Direct Purchaser Plaintiffs will submit a proposed form of
20 class notice, which will contain Direct Purchaser Plaintiffs' proposed definition of custom
21 SRAM;

22 2. Direct Purchaser Plaintiffs and Defendants will thereafter meet and confer
23 regarding the definition of custom SRAM and, on or before December 4, 2008, either (a) submit
24 to the Court by stipulation a final proposed form of class notice containing an agreed-upon
25 definition of custom SRAM, or (b) submit to the Court their proposed definitions of custom
26 SRAM, along with briefs not to exceed ten (10) pages each explaining the reasons for their
27 proposed definition; the parties request that, subject to the Court's availability, the Court set a
28 hearing on December 16, 2008 at 2:00 p.m. to address any outstanding issues relating to the

1 definition of custom SRAM or class notice.

2 3. Within three (3) weeks of the date when the definition of custom SRAM is settled
3 (either by stipulation of the parties or by Court order), Defendants will provide a list of names and
4 addresses of all Class Members who can be identified with diligent effort in order to permit Lead
5 Counsel for the Direct Purchaser Class to send notice to Class Members.

6
7 SO STIPULATED:

8 Dated: October 28, 2008

O'MELVENY & MYERS LLP

9 By: /s/ Michael F. Tubach
10 Michael F. Tubach

11 Attorneys for Defendants
12 HYNIX SEMICONDUCTOR, INC. AND
13 HYNIX SEMICONDUCTOR AMERICA,
14 INC.

15 Dated: October 28, 2008

COTCHETT, PITRE & McCARTHY

16 By: /s/ Steven N. Williams
17 Steven N. Williams

18 Class Counsel for
19 DIRECT PURCHASER PLAINTIFFS

20 PURSUANT TO STIPULATION, IT IS SO ORDERED: **except that the hearing will be on**
21 **December 18, 2008, at 2:00 p.m.**

22 Dated: October 31, 2008



23 Hon. Claudia Wilken
24 United States District Court Judge
25 Northern District of California